

**RESOLUTION NO. 6
SERIES 2011**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, REFERRING A BALLOT QUESTION TO THE REGISTERED ELECTORS OF THE CITY OF GUNNISON TO AUTHORIZE THE IMPOSITION OF AN ADDITIONAL FIVE PERCENT SALES TAX ON THE SALE OF MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS SOLD WITHIN THE CITY OF GUNNISON.

WHEREAS, at the November, 2000, General Election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution, (Article XVIII, Section 14), which authorizes the possession and use of medical marijuana for use in treatment of debilitating medical conditions; and

WHEREAS, the Colorado General Assembly adopted House Bill 10-1284, codified as the Colorado Medical Marijuana Code, Section 12-43.3-101, et. seq., C.R.S., which establishes a framework for the licensing and operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers; and

WHEREAS, the Colorado Medical Marijuana Code further authorizes a municipality, by a vote of a majority of the members of the governing body, to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers; and

WHEREAS, the City Council of the City of Gunnison has adopted an ordinance prohibiting such activities within the boundaries of the City of Gunnison; and

WHEREAS, the City Council of the City of Gunnison has adopted a resolution referring to the registered electors of the City of Gunnison a question as to whether to allow the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers within the boundaries of the City of Gunnison; and

WHEREAS, the City Council of the City of Gunnison recognizes that medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers result in increased demands upon municipal services, such as police protection, and have an effect upon the health, safety, and welfare of the citizens of the City of Gunnison and upon the expenditures budgeted by the City, which are matters of local concern; and

WHEREAS, the City Council of the City of Gunnison desires to refer to the registered electorate of the City of Gunnison a question as to whether the sales of medical marijuana and medical marijuana-infused products should be subject to an additional sales tax in the amount of five percent (5%) of the purchase price thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. The following ballot question shall be referred to a vote of the registered electors of the City of Gunnison at the Regular Municipal Election to be held on May 10, 2011:

BALLOT QUESTION 2

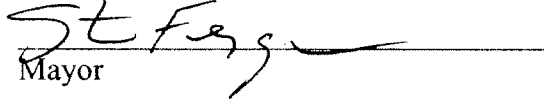
SHALL THE CITY OF GUNNISON'S TAXES BE INCREASED BY \$150,000.00 ANNUALLY (FIRST FULL FISCAL YEAR INCREASE) AND BY WHATEVER AMOUNTS ARE RAISED ANNUALLY THEREAFTER THROUGH THE IMPOSITION AND ASSESSMENT OF AN ADDITIONAL SALES TAX IN THE AMOUNT OF FIVE PERCENT (5%) OF THE PURCHASE PRICE PAID OR CHARGED FOR PURCHASING MEDICAL MARIJUANA AND MEDICAL MARIJUANA-INFUSED PRODUCTS; AND SHALL ALL REVENUES DERIVED FROM SUCH TAX BE COLLECTED AND SPENT TO PROMOTE THE GENERAL PURPOSES OF THE CITY OF GUNNISON AS A VOTER APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE REVENUE AND SPENDING LIMITS OF ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION?

YES _____ NO _____

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Section 2. Upon approval of the ballot question set forth in Section 1 above by a majority of the registered electors voting thereon at the Regular Municipal Election to be held on May 10, 2011, the tax authorized thereby shall become effective upon adoption by the City Council of the City of Gunnison of an amendment to the City's Sales and Use Tax Code implementing such tax.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the City Council of the City of Gunnison held this 8th day of March, 2011.


Mayor

(SEAL)

ATTEST:


City Clerk